APPENDIX J

Public Comments

TA-18

APPENDIX J
PUBLIC COMMENTS

This appendix describes the public comment process for the National Nuclear Security Administration's (NNSA) *Draft Environmental Impact Statement for the Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory* (*TA-18 Relocation Draft EIS*). Section J.1 discusses the process for obtaining public comments on the *TA-18 Relocation Draft EIS* and identifies the comment period and the location and date of public hearings. Section J.2 addresses the public hearing format, while Section J.3 discusses comment disposition. Sections J.4 and J.5 provide the comments presented at the public hearings and received via U.S. mail, e-mail, toll-free 800-number phone line, and toll-free fax, respectively, as well as NNSA's responses to those comments.

J.1 OVERVIEW

In August 2001, NNSA published the *TA-18 Relocation Draft EIS*. National Environmental Policy Act regulations mandate a minimum 45-day public comment period after publication of a draft EIS to provide an opportunity for the public and other stakeholders to comment on the EIS analysis and results. The public comment period on the *TA-18 Relocation Draft EIS* began on August 17, 2001, and was scheduled to end on October 5, 2001. Due to the events of September 11, 2001, the comment period was extended through October 26, 2001. During this comment period, public hearings were held in Idaho Falls, Idaho; Las Vegas, Nevada; and Albuquerque and Española, New Mexico (see **Figure J–1)**. In addition, the public was encouraged to submit comments via the U.S. mail, e-mail, toll-free phone number, and fax.

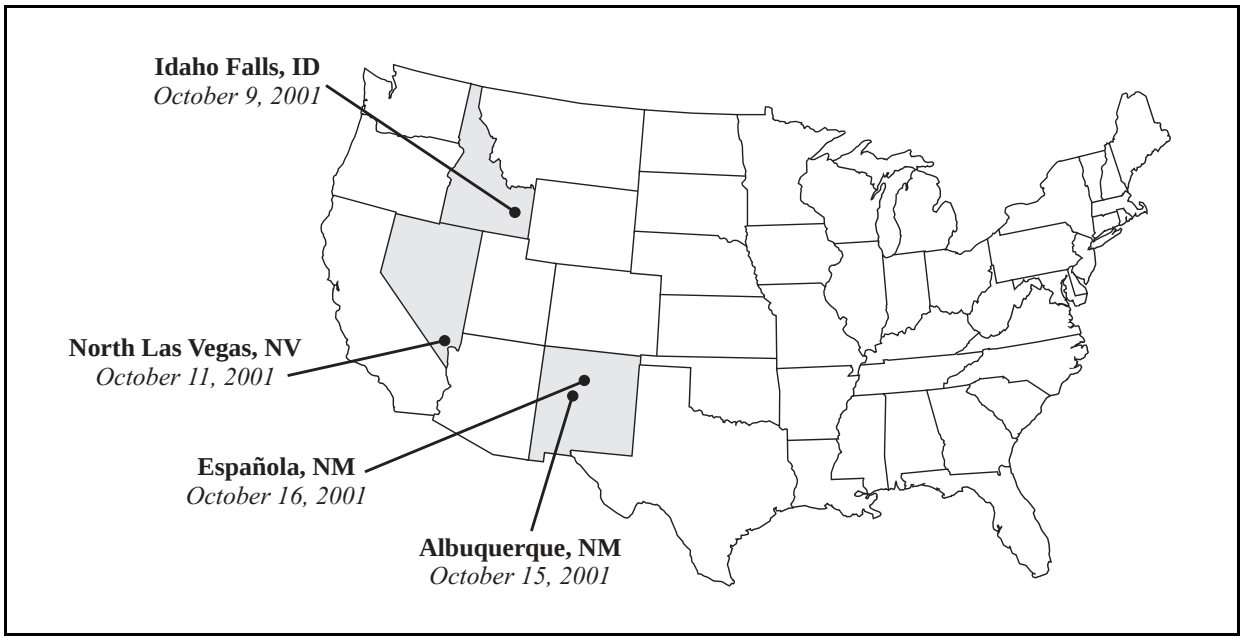

Figure J–1 Public Hearing Locations and Dates, 2001

The number of persons estimated in attendance at each hearing or meeting, together with the number of comments submitted and recorded, are presented in **Table J–1**. These attendance estimates are based on the number of registration forms completed and returned at each hearing or meeting, as well as a rough "head count" of the audience, and may not include all those present.

The public hearing comments were combined with comments received by other means (i.e., U.S. mail, e-mail, toll-free phone number, and fax) during the comment period. Written comments were date-stamped and assigned a sequential document number. **Table J–2** lists the number of comments received by method of submission.

Table J–1 Public Hearing/Meeting Locations, Attendance, and Comments Received

Location	*Date*	*Estimated Attendance*	*Comments*
Idaho Falls, Idaho	October 9, 2001	4	1
Las Vegas, Nevada	October 11, 2001	4	0
Albuquerque, New Mexico	October 15, 2001	3	0
Los Alamos, New Mexico	October 16, 2001	30	13

Table J–2 Method of Comment Submission

Method	*Number of Commentors*	*Number of Comments*
Faxes	0	0
U.S. mail	10	42
1-800 number	0	0
E-mail	1	5
Hearings (written/oral)	2 / 6	2 / 12

J.2 PUBLIC HEARING FORMAT

The public hearings were organized to encourage public comments on the *TA-18 Relocation Draft EIS* and to allow two-way interaction between public attendees and U.S. Department of Energy (DOE) and NNSA representatives. A court reporter was present at each hearing to record the proceedings and provide a transcript of the public comments and the dialogue between the public and the NNSA representatives on hand. These transcripts are available in DOE public reading rooms near each of the proposed sites and in Washington, D.C.

The format used for each hearing included a presentation, question and answer session, and a public comment period. The hearing opened with a welcome from the facilitator, followed by a presentation on the proposed action by an NNSA representative. The facilitator next opened the question and answer session to give the audience a chance to ask questions about the material presented. This was followed by the public comment session, during which attendees were given an opportunity to read a prepared statement. Modifications to the format were made at each of the public hearings to fulfill the special requests of attendees. Following the public hearings, the comments were identified from the transcripts of each hearing and the comment documents submitted by the attendees.

J.3 COMMENT DISPOSITION

All comments received during the *TA-18 Relocation Draft EIS* comment period appear in either Section J.4 or J.5 of this appendix. Section J.4 contains a set of tables corresponding to each of the public hearings. Transcriptions of the oral comments submitted at each of the public hearings are presented in appropriate tables, along with NNSA's responses to each comment. Section J.5 includes scanned images of the

comments received via U.S. mail, e-mail, toll-free phone number, fax, or personal submission at the public hearings. NNSA's response to each comment is presented on the opposite side of the page.

Table J–3 is an index of all of the commentors who made statements or submitted comments at the public hearings or during the public comment period, including members of the public, representatives of organizations or agencies, and public officials. Commentors are listed alphabetically by their last name, along with the page on which their comments appear in Sections J.4 or J.5. **Table J–4** identifies separately Federal, state, and local officials and agencies; companies; organizations; and special interest groups that submitted comments.

Table J–3 Commentors Index

Commentor	*Commentor Number*	*Page Number*
Anonymous	7	J-20
Vernon J. Brechin, Mountain View, California	11	J-25
Lary Marks	3	J-11
William L. Partain, Los Alamos, New Mexico	8	J-21
Donivan Porterfield, Los Alamos, New Mexico	10	J-24
Thomas F. Stratton	9	J-22

Table J–4 Index of Public Officials, Organizations, and Public Interest Groups

Commentor Information	*Commentor Number*	*Page Number*
INEEL Citizens Advisory Board, Stanley Hobson, Chair, Idaho Falls, Idaho	4	J-12
Nuclear Watch of New Mexico, Colin King, Research Director, Santa Fe, New Mexico	13	J-29
Pueblo of San Ildefonso, Perry Martinez, Governor, Santa Fe, New Mexico	1	J-9
The Shoshone-Bannock Tribes, Diana K. Yupe, Program Interim Director, Fort Hall, Idaho	5	J-14
State of New Mexico Environment Department, Peter Maggiore, Secretary, Santa Fe, New Mexico	6	J-17
U.S. Department of the Interior, Glenn B. Sekavec, Regional Environmental Officer, Albuquerque, New Mexico	2	J-10
U.S. Environmental Protection Agency, Robert D. Lawrence, Chief, Region 6, Dallas, Texas	12	J-26

INEEL = Idaho National Engineering and Environmental Laboratory

J.4 PUBLIC HEARING COMMENTS AND NNSA RESPONSES

Comments presented in this section were submitted during oral presentations at the public hearings held on October 9, 2001, in Idaho Falls, Idaho; October 11, 2001, in Las Vegas, Nevada; October 15, 2001, in Albuquerque, New Mexico; and October 16, 2001, in Española, New Mexico. NNSA's responses to these comments are also presented.

Comments from the Idaho Falls, Idaho, Public Hearing October 9, 2001		
Commentor	***Comment***	***NNSA Response***
Steve Piat	I note in the presentation what looks to be a point zero four percent fatality per rem linear response assumption. And I have to question why do we continue to use that when the Health Physics Society, the American Nuclear Society, and people who have studied this in more detail recognize that there is just plain no evidence, no evidence for cancer fatalities down in that sort of dose range. And I think you're doing a disservice when you continue to propagate those sort of numbers.	DOE agrees with the commentor that at very low doses the numerical estimates of fatal cancers per rem are conservative. As explained in Appendix B, Section B.2.2, of the Final EIS, the numerical estimates of fatal cancers were obtained using a linear extrapolation from nominal risk estimated for lifetime total cancer mortality that results from a dose of 0.1 gray (10 Rad). Studies of human population exposed to low doses are inadequate to demonstrate the actual level of risk. There is scientific uncertainty about cancer risk in the low-dose region below the range of epidemiological observation, and the possibility of no risk cannot be excluded. Nevertheless, for conservatism, the EIS uses a constant fatal cancer risk factor for low doses with no threshold.

Comments from the Las Vegas, Nevada, Public Hearing October 11, 2001		
Commentor	***Comment***	***NNSA Response***
No comments were received at this public hearing.		

Comments from the Albuquerque, New Mexico, Public Hearing October 15, 2001		
Commentor	***Comment***	***NNSA Response***
No comments were received at this public hearing.		

Comments from the Española, New Mexico, Public Hearing October 16, 2001		
Commentor	***Comment***	***NNSA Response***
Dave Thompson	I had a question on the cost, relative cost of the refurbishing where it is now versus putting it in at TA-55. Do you have to build two or three new experimental areas, what we now call KIVAS, up at some other location if you build a new location? Are these cost about the same if you rebuilt them one at a time at TA-18?	The concept that NNSA is currently considering, as outlined in the *TA-18 Relocation EIS*, is a single facility. An underground facility at TA-55 would house four of the five critical assembly machines that are currently used at TA-18. Such a facility would enhance security, reliability, and safety. While cost is one of several factors which would be considered by the decision makers in the Record of Decision, it is beyond the scope of the *TA-18 Relocation EIS*, which focuses on assessing the potential environmental impacts of the proposed action and reasonable alternatives.
	I support your tentative decision or preferred decision to keep the site at Los Alamos.	The commentor's support for keeping TA-18 capabilities and materials at LANL is noted.
Bill Stratton	Are we to understand that you do not have reasonable cost estimates yet?	NNSA does have preliminary cost estimates for each of the alternatives. However, it should be noted that these are based on preliminary engineering design and would not be used as a basis for actual construction. Additionally the cost of moving materials to other locations must be considered as well as cost savings related to security if an alternative other than the No Action alternative is selected. While cost is one of the factors considered by the decision makers in the Record of Decision, it is beyond the scope of the TA-18 Relocation EIS, which focuses on assessing the potential environmental impacts of the proposed action and reasonable alternatives.
	I really have my doubts about the need for a new facility. I think perceived security is the problem. I think this has not been seriously addressed. There are lots of cheaper ways to secure the physical materials at a place like the Pajarito site without running and spending $200 billion, $500 million for an underground site next to a crucial import site like TA-55. I would like to just make a comment about the record at the Pajarito site. There has not been any harm to any individual whatsoever since 1946 or 1947 when there was a criticality accident right after the war.	The TA-18 location was selected for criticality experiments in 1947 because of its remoteness, and laboratory protection provided by the Pajarito Canyon walls. However, through the years the experiments evolved with larger potential impacts that needed additional protective actions and restrictions (i.e., road closure, evacuation of personal, security, etc.) before those experiments could be performed. The proposed relocation of critical assembly machines to an underground facility at TA-55 would allow the criticality experiments to be performed with enhanced public and operational safety, as well as enhanced security. As discussed in Section 3.5 and Section 5.2.10.2 of the *TA-18 Relocation EIS*, the potential consequences of accidents to the public and the workers from activities associated with operation of critical assembly machines at TA-55 would be orders of magnitude less than that of those at TA-18. Therefore, the relocation and operation of critical assembly machines at TA-55 would result in improved, rather than reduced, safety.

Comments from the Española, New Mexico, Public Hearing October 16, 2001		
Commentor	***Comment***	***NNSA Response***
Bill Stratton (cont'd)	I really think that best alternative is to keep it where it is and do what upgrades are necessary but keep the place in operation.	The commentor's support for the TA-18 Upgrade Alternative is noted.
	Would the new facility at TA-55 impinge upon the possibility of more construction with the plutonium activity at TA-55 or are they going to be contiguous so close that we will be sorry?	LANL uses an integrated planning process that takes into account various present and potential future uses of the site as a whole, including TA-55. The new underground facility at TA-55 is far enough away from other facilities at the site that it would not impinge upon activities taking place within them.
Frances Berting (Citizens Advisory Board)	Question with regard to what would happen to TA-18 if the facility is moved. How much D&D, how much environmental restoration and that sort of thing, and that is probably a little bit outside the EIS, but it's a question that I have.	Potential impacts from the decontamination and decommissioning of TA-18 facilities have been generally addressed in Section 5.7 of the EIS. Since the ultimate disposition of TA-18 facilities has not been determined, impacts from the decontamination and decommissioning of TA-18 would be addressed as part of a separate NEPA review. As stated in Section 5.7, prior to the initiation of decommissioning activities, a detailed decontamination and decommissioning plan would be prepared in conjunction with site planning documents.
	This has to do with the cost of security protection. I understand that one of the reasons for moving it is that it's extremely expensive to essentially defend now. I was wondering whether there is probably less security cost involved at TA-18. Does security at the current site need to be so expensive?	Security costs, as one of the components of the overall operations budget to keep TA-18 on line, are high and growing. Thus, cost is one of the reasons that NNSA is considering relocating TA-18 capabilities and materials. NNSA is committed to safety and security at its sites, and security costs commensurate with requirements are being factored into each into each alternative considered in this EIS. A separate cost review is underway to support the Record of Decision.
	Is there more of a possibility of release of radiation from TA-55 than from TA-18?	The proposed relocation of critical assembly machines to an underground facility at TA-55 would allow the criticality experiments to be performed with enhanced public and operational safety, as well as enhanced security. As discussed in Section 3.5 and Section 5.2.10.2 of the *TA-18 Relocation EIS*, the potential consequences of radiological releases to the public and the workers from activities associated with operation of critical assembly machines at TA-55 would be orders of magnitude less than that of those at TA-18 without facility modifications. Therefore, the relocation and operation of critical assembly machines at TA-55 would result in improved, rather than reduced, safety. Implementing the TA-18 Upgrade Alternative would also reduce the risk of radiological releases from TA-18 facilities.

Comments from the Española, New Mexico, Public Hearing October 16, 2001		
Commentor	***Comment***	***NNSA Response***
Jean Dewart	I want to acknowledge DOE's commitment to building state of the art facilities. I also want to express my concern as an employee and citizen that the infrastructure of the Laboratory doesn't seem to have kept pace and we don't seem to have a facility that is built for 12,000 employees to drive here, and safety and driving has been a real problem for employees, and there is a lot of concern.	Ground transportation network at LANL is addressed in Section 4.5.2.1 of the *TA-18 Relocation EIS*. Impacts of the LANL alternatives on ground transportation are addressed in Section 5.2.2. The analysis indicates that impacts on the local transportation network from any of the LANL alternatives are expected to be small.
Oscar Lindquist (Sante Fe Research Corp.)	Has any consideration been made that only four and a half acres are available to field national needs, national defense needs, and other needs as they come up at TA-18, as they have in the past. The size of the area in the past has been sufficient to allow multiple independent unrelated events to proceed simultaneously, whereas if you have an integrated building, as I understand TA-55 will be, it appears that four and a half acres might not be able to offer the flexibility this country might need in times of emergency response.	The new underground building at TA-55 has been designed to accomplish all of the TA-18 missions. Since two to four operations have been conducted simultaneously at TA-18 in the past, the new facility was designed from the beginning for this capability. Thus, the new facility should have more than adequate flexibility for future operations.

J.5 WRITTEN COMMENTS AND NNSA RESPONSES

Comments presented in this section were submitted to NNSA via the U.S. mail, e-mail, toll-free phone number, and fax, or in person at the public hearings. All comments received during the comment period, which began on August 17, 2001, and ended on October 26, 2001, as well as submittals received after October 26, are reproduced in this section. This section provides a side-by-side display of the written comments received (full-text reproductions) and NNSA's responses. Individual comments are numbered in the margins of the comment letters, and NNSA responses to each of the numbered comments are provided on the right side of each page.

Commentor No. 1: Pueblo of San Ildefonso, Perry Martinez, Governor

Office of Governor

Route 5, Box 315-A
Santa Fe, New Mexico 87501

Telephone
(505)455-2273
FAX (505)455-7351

SI-GC01-758

August 28, 2001

James J. Rose
Defense Programs (DP-42)
National Nuclear Security Administration
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C., 20585

Dear Mr. Rose:

Thank you for providing the Pueblo of San Ildefonso with the opportunity to review and comment upon the Draft Environmental Impact Statement for the Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory (TA-18 EIS) [DOE/EIS-0319D].

The Pueblo of San Ildefonso strongly disagrees with your preliminary decision to relocate TA-18 materials and operations at a different site at Los Alamos National Laboratory (LANL) as the preferred alternative. We feel that TA-18 operations and materials should be relocated to Sandia National Laboratories, the Nevada Test Site, or Argonne National Laboratory-West. The Pueblo has been adversely affected by LANL operations for more than 50 years and to continue operations involving radiological and chemical materials that can potentially release contaminants to the environment is an insult to our tradition and culture. As you may know the Pueblo of San Ildefonso is the only Native American community to share a common boundary with a National Nuclear Weapons Research Facility (LANL). Both past and present operations at LANL have had an adverse impact upon our traditional way of life, cultural and religious resources, and traditional cultural properties (TCP's). **1-1**

We do not believe that the draft EIS fully considered the risk to Native American communities and our unique utilization of natural resources and reliance upon a subsistence way of life. Nor did the EIS fully consider Environmental Justice issues. We therefore must oppose your preliminary decision and request that you reconsider the other alternative sites for relocation of TA-18. **1-2**

Again, thank you for providing the Pueblo with the opportunity to comment. Please feel free to contact me, if you would like to continue this consultation process. **1-3**

Sincerely,

Perry Martinez
Governor

Cc: David Gurule, DOE/LAAO
Neil Weber, DECP

Response to Commentor No. 1

1-1: Opposition of the Pueblo of San Ildefonso to the LANL New Facility Alternative and support for the SNL/NM Alternative, NTS Alternative, or ANL-W Alternative is noted.

1-2: The *TA-18 Relocation EIS* does not address past practices, but rather the impacts of relocating TA-18 operational capabilities and materials. Impacts of LANL alternatives on Native American Resources are addressed in Section 5.2.8.3. The analysis of impacts on Native American resources presented in the EIS provides a comparative assessment of the impacts expected from each alternative. As noted in Section 5.2.8.3, a cultural resources survey will be conducted prior to beginning construction of any new facilities. If Native American resources were discovered during construction, work would stop while appropriate action was taken, including notification of appropriate agencies and Tribes. As discussed in Section 5.2.11, Environmental Justice, the subsistence consumption of crops and wildlife radiologically contaminated with argon-41 would not be harmful because argon-41, the only radionuclide of concern, has a half-life of 1 hour and 48 minutes and decays into a stable isotope of potassium that is not harmful to human health in small quantities.

1-3: Environmental Justice issues were considered in the *TA-18 Relocation EIS* as required by Executive Order 12898. An analysis of potential environmental justice impacts concluded there would be no disproportionately high and adverse environmental impacts on minority and low-income populations due to any of the LANL alternatives. The minority and low-income setting within a 50-mile (80-kilometer) radius of LANL is provided in Section 4.2.10, while the impacts to these populations are discussed in Section 5.2.11.

Commentor No. 2: U.S. Department of the Interior, Glenn B. Sekavec

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Post Office Box 649
Albuquerque, New Mexico 87103

IN REPLY REFER TO:

September 28, 2001

ER 01/771

Carol M. Borgstrom, Director
Office of NEPA Policy and Compliance (EH-42)
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Ms. Borgstrom:

The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement for the Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory, DOE/EIS-319D and, in this regard, has no comment. Thank you for the opportunity to review this document. 2-1

Sincerely,

Glenn B. Sekavec
Regional Environmental Officer

OCT 03 2001

Response to Commentor No. 2

2-1: NNSA appreciates the U.S. Department of the Interior's review of the *TA-18 Relocation EIS* and notes that the Department had no comment on the document.

Commentor No. 3: Lary Marks

202- 586- 0467

To The U.S. Department of Energy/NNSA.
ATT. MR. Jay Rose DP-42

I am appossed To the movement of The LANL To The Nevada Test site RE: We Allready have The contamation from The Above ground Nuclear Test AT The Nevada Test site To contend with. Plus The fact That The state of Nevada dose not have A Nuclear generation plant within our state, The federal government is still Trying To Dump The Nations Nuclear waste AT Yucca Mountain Project. 3-1

This is A nother Concern of The people here in our state. I Live 75 miles from Yucca mountain. The E.I.R. Reports And Research has not Addressed any subject of sabatoge AT This site as of Date is your E.I.R. going To address This. 3-2

LARY MARKS
(702) 647-9525

Response to Commentor No. 3

3-1: The commentor's opposition to the NTS Alternative is noted. The *TA-18 Relocation EIS* does not address past practices, but rather the impacts of relocating TA-18 operational capabilities and materials. The DOE Nevada Environmental Restoration Division is tasked with the mission of identifying the nature and extent of past contamination, determining the risk to the public and the environment, and acting to protect or restore natural resources adversely affected by contamination. To ensure compliance with applicable regulations, the Environmental Restoration Division works closely with the State of Nevada. The commentor is referred to the Environmental Management Program website (i.e., www.nv.doe.gov/programs/envmgmt/default.htm) for more information on the Nevada Operations Office's Environmental Management Program. The commentor is also referred to the *Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250) for a discussion of impacts related to the Yucca Mountain project.

3-2: Issues related to the security of relocated TA-18 capabilities and materials, including sabotage, are covered in a classified appendix to the EIS, as discussed in Section 5.1. This information will be considered when NNSA issues a Record of Decision.

Commentor No. 4: INEEL Citizens Advisory Board, Stanley Hobson

Citizens Advisory Board

Idaho National Engineering and Environmental Laboratory

01-CAB-092

October 2, 2001

James J. Rose
Defense Programs (DP-42)
National Nuclear Security Administration
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Mr. Rose:

The Site-Specific Advisory Board (SSAB) for the Idaho National Engineering and Environmental Laboratory (INEEL), also known as the INEEL Citizens Advisory Board (CAB), is a local advisory committee chartered under the Department of Energy's (DOE) Environmental Management SSAB Federal Advisory Committee Act Charter.

Attached you will find Recommendation #86 approved by the consensus of the full INEEL CAB. It provides our joint recommendation relating to the Draft Environmental Impact Statement for the Proposed Relocation if Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory.

We await your response to our recommendation.

Sincerely,

Stanley Hobson
Chair, INEEL Citizens Advisory Board

cc: Warren Bergholz, DOE-ID
Jessie Roberson, DOE-HQ
Martha Crosland, DOE-HQ
Fred Butterfield, DOE-HQ
Governor Dirk Kempthorne
Larry Craig, U.S. Senate
Mike Crapo, U.S. Senate
Mike Simpson, U.S. House of Representatives
Butch Otter, U.S. House of Representatives
Robert L. Geddes, President Pro-Tem, Idaho Senate
Laird Noh, Chair, Idaho Senate Resources and Environment Committee
Bruce Newcomb, Speaker, Idaho House of Representatives
JoAn Wood, Chair, Idaho House Resources and Conservation Committee
Jack Barraclough, Chair, Idaho House Environmental Affairs Committee
Gerald Bowman, DOE-ID
Kathleen Trever, State of Idaho INEEL Oversight
Wayne Pierre, U.S. Environmental Protection Agency Region X
John Sackett, Argonne National Laboratory - West

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Stanley Hobson

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Wayne Pierre
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Teri Tyler

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Response to Commentor No. 4

Commentor No. 4: INEEL Citizens Advisory Board, Stanley Hobson (Cont'd)

Citizens Advisory Board
Idaho National Engineering and Environmental Laboratory

Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) has reviewed the Draft Environmental Impact Statement (EIS) on the Proposed Relocation of Technical Area 18 (TA-18) Capabilities and Materials at the Los Alamos National Laboratory (LANL).

The INEEL CAB considered the possibility of relocating TA-18 capabilities and materials to Argonne National Laboratory – West as a possible "new mission" for the INEEL. Based on our understanding of the Draft EIS and the alternatives described and evaluated in the document, however, we conclude that it makes little sense to willingly separate operational functions of a process between two locations because efficiencies of operation would likely be severely reduced. If separation were desirable to enhance security, then perhaps the inherent loss of organizational efficiency would be overridden. We note that no justification for separation of functions (that is, security considerations) is presented in the Draft EIS.

Absent such a justification, the INEEL CAB is opposed to splitting of the TA-18 capabilities and materials between LANL and a remote site. Therefore, **the INEEL CAB recommends that the TA-18 capabilities and materials remain at LANL.**

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Page 1

4-1

Response to Commentor No. 4

4-1: The commentor's opposition to splitting the TA-18 capabilities and materials is noted. NNSA recognizes that there may be inefficiencies involved in locating TA-18 capabilities and materials at two locations; however, this does not make such an alternative unreasonable. As noted in Question 2a of the Council on Environmental Quality's 40 Most Asked Questions, reasonable alternatives include those that are practical or feasible from a technical and economic standpoint. Since alternatives that involve splitting TA-18 capabilities and materials meet this criterion, they are considered reasonable and have been fully analyzed.

Commentor No. 5: The Shoshone-Bannock Tribes, Diana K. Yupe

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PROJECT DIRECTOR (208) 478-3792
ENVIRONMENTALIST (208) 478-3709
SECRETARY (208) 478-3708
FAX (208) 237-0797

TRIBAL/DOE PROJECT
PIMA DRIVE
P. O. BOX 306
FORT HALL, IDAHO 83203

October 1, 2001

Mr. James J. Rose
Defense Programs (DP-42)
National Nuclear Security Administration
U. S. Department of Energy
1000 Independence Avenue, S. W.
Washington, D. C. 20585

Dear Mr. Rose:

The Shoshone-Bannock Tribes coordinate with the U.S. Department of Energy—Idaho Operations Office regarding DOE issues. Our tribal program provides input to the issues after significant review. In regards to the Proposed Relocation of Technical 18, Capabilities and Materials at the Los Alamos National Laboratory we received the summary document. This project affects our tribal interests because the project may affect transportation across the Fort Hall Indian Reservation and cause ground disturbing activity on the Idaho National Engineering and Environmental Laboratory (INEEL). The INEEL resides on the aboriginal tribal territory of the Shoshone-Bannock Tribes and affects tribal interests.

Our tribal program staff reviewed the Draft Environmental Impact Statement summary for the Proposed Relocation of Technical Area 18 Capabilities and Materials of the Los Alamos National Laboratory. Upon reviewing the document we identified concerns regarding the proposed alternative at the Argonne National Laboratory-West, near Idaho Falls, Idaho.

The DOE-INEEL site lies in close proximity to the Fort Hall Indian Reservation. As stated earlier, the INEEL is located on aboriginal territory and DOE has a trust responsibility to the Tribes and to the residents of the Fort Hall Indian Reservation. A major tribal concern regards the trust responsibilities that DOE, as a federal agency, has to the Tribes and the process for compliance to the Tribes' sovereign government. 5-1

Furthermore, in light of the recent fire seasons, especially those experienced in Idaho it is important that DOE prepare a specific wild land fire preparedness plan that should 5-2

1

Response to Commentor No. 5

5-1: DOE and NNSA recognize the unique interest the Shoshone-Bannock Tribes have in the management of INEEL and ANL-W resources and continue to consult with the Tribes in a government-to-government relationship. DOE formalized its relationship in 1998 with the Shoshone-Bannock Tribes in an "Agreement in Principle Between the Shoshone-Bannock Tribes and the United States Department of Energy" that provides a formal framework for consultation with the Tribes. In addition, DOE and the INEEL Cultural Resources Management Office consult regularly with representatives of the Shoshone-Bannock Tribes through meetings of the INEEL Cultural Resources Working Group. Formed in 1993, this Working Group meets informally with representatives of the Shoshone-Bannock Tribes to share information, coordinate fieldwork, and discuss cultural resource management issues at INEEL.

5-2: DOE prepared the *Idaho National Engineering and Environmental Laboratory Wildland Fire Management Guide* (GDE-7063) to guide activities to prepare for and fight wildfires on the INEEL site. This Guide will be revised for the 2002 fire season based on analysis in the *Environmental Assessment for Idaho National Engineering and Environmental Laboratory Wildland Fire Management* (DOE/EA-1372), which is currently in preparation. The revised *INEEL Wildland Fire Management Guide* will include guidance for alternate transportation routes and recovery efforts after fires are put out. Recovery efforts may include revegetation and other erosion and dust control measures. Argonne National Laboratory-West uses the *INEEL Wildland Fire Management Guide*.

Commentor No. 5: Shoshone-Bannock Tribes, Diana K. Yupe (Cont'd)

accompany this EIS. The plan should also address additional personnel, equipment, and any site-specific hazards. It is also important to identify sufficient alternate transportation/evacuation routes to and from Argonne-West if a fire inhibits travel for extended periods of time or in the event of the immediate danger. In prior fires on the INEEL evacuation routes to and from Argonne was a major concern.

5-2 (Cont'd)

In regards to the infrastructure already in place at the Argonne-West facility and its entire compound, are there adequate roads, parking lots, and power sources? In addition are there sufficient potable water sources to support increased and extended use on the entire compound? Are there plans and funds in place to ensure proper environmental monitoring of the TA-18 activities on the air, water, soil, flora, and fauna? Subsequently, the question of maintenance responsibility arises that may address the question about responsible personnel that will be responsible for the environmental monitoring and who are the participants? The EIS fails to identify these important issues.

5-3

5-4

The plan says the TA-18 activities can expect to run for 25 years. A D&D outline is included, however, funding is not mentioned. What mechanisms or budgetary plans are in place to address funding to start and complete the D&D activities? Who will be responsible? Who are the participants? Has the Long-Term Stewardship and D&D programs reviewed and commented on this document and what plans were proposed, if any?

5-5

The plan also discusses the transportation of materials and support equipment from Los Alamos to the new site. The Shoshone-Bannock Tribes are deeply concerned about DOE materials crossing the Fort Hall Indian Reservation. With respect to this EIS the question of transportation crossing the Fort Hall Indian Reservation requires significant consultation with the tribal government. What process will be pursued regarding the transportation issue as well as development of plans to mitigate transportation to and from the INEEL.

5-6

The INEEL is a vast and diverse facility, governed by many state and federal regulations. Does the EIS address the means and ways of complying with the state and federal regulations already in place at the INEEL? The Tribes should have access to a comprehensive compliance plan for adhering to DOE-ID regulations. DOE has a responsibility to ensure that the land and all of its occupants are working together. A successfully executed plan is one that not only addresses the impacts and concerns regarding the land but also its occupants.

5-7

Another tribal concern addresses the important issues that Argonne National Laboratory-West is located within a culturally sensitive area to the Shoshone-Bannock Tribes. The EIS summary fails to address, or summarize, cultural resource issues. Therefore it appears that the EIS is flawed. It will be important to learn or gain documents that identify if a recent cultural resource survey done on the proposed area? This area is also a sensitive area for cultural resources not specific to Argonne. This means that the area surrounding the Argonne site has significant potential to possess cultural resources, as it is defined in the National Historic Preservation Act and as the cultural resource definition

5-8

Response to Commentor No. 5

5-3: Impacts to site infrastructure from the proposed relocation of TA-18 operational capabilities and materials to ANL-W are analyzed in Section 5.5.2. The analysis concluded that existing INEEL and ANL-W infrastructure resources would be adequate to support the proposed mission over 25 years.

5-4: ANL-W presently has an extensive monitoring program in place. The results of this program are presented in annual environmental surveillance reports. The monitoring program at ANL-W would be expanded to accommodate new TA-18 missions at the site as required.

5-5: Issues related to decontamination and decommissioning of TA-18 activities are presented in Section 5.7. As stated in that section, prior to initiating decommissioning activities, a detailed decontamination and decommissioning plan would be prepared. An integral part of that plan would be a credible site-specific cost estimate for all activities required to ensure that decommissioning is conducted in a timely manner and that potential impacts on the health and safety of workers, the general public, and the environment is minimized. Separate NEPA documentation would be undertaken prior to the commencement of decontamination and decommissioning activities. NNSA is committed to the safe operation and long-term stewardship of any facilities chosen for the relocation of TA-18 missions. As part of that commitment, NNSA will ensure that sufficient funding is available to undertake decontamination and decommissioning activities at the appropriate time.

5-6: As described in Appendix D, Section D.5, of the *TA-18 Relocation EIS*, the carrier for shipments of special nuclear material would be DOE's Transportation Safeguards Division. The transportation of special nuclear materials is the subject of detailed planning within the Transportation Safeguards Division. The dates and times that specific transportation routes would be used for special nuclear materials are classified information. As stated in Section D.7.1 of the EIS, NNSA has not yet completed the details of the shipping plan. That comes after site selection. As discussed in Section 3.1.2, NNSA has made a concerted effort to reduce unnecessary site inventory and would only transport the minimum amount of material necessary to support the forecasted mission. Based on the siting decision, NNSA would consult with affected parties, as stipulated in existing agreements, to develop transportation and emergency response plans.

Commentor No. 5: Shoshone-Bannock Tribes Diana K. Yupe (Cont'd)

is viewed by the Shoshone-Bannock Tribes. It will be interesting to see if a cultural resources section was included in the EIS document but failed to be summarized in the Summary document.

In the event that inadvertent discovery subsurface during ground disturbance is uncovered, be aware that NAGPRA as well as other cultural resource laws come into effect. We recommend that a **"stop work"** policy be put into effect in the event that there is an inadvertent discovery. Notification procedures to contractors, surrounding counties, Idaho State Historic Preservation Office, as well as the Shoshone-Bannock Tribes should be implemented.

5-8 (Cont'd)

The Shoshone-Bannock Tribal DOE Office appreciates the opportunity to provide technical comments to the proposed relocation of TA-18. Should there be any questions or concerns, feel free to contact Christina Cutler, Project Environmentalist at (208) 478-3740 or contact me at (208) 478-3706 or e-mail me at heto@poky.srv.net

Sincerely,

Diana K. Yupe
Program Interim Director

Cc: S. Timbana/Tribal DOE
File/DOF:TA18

Response to Commentor No. 5

5-7: Chapter 6 of the *TA-18 Relocation EIS* addresses environmental, occupational safety and health permit, compliance, and other regulatory requirements associated with relocation of TA-18 operational capabilities and materials to ANL-W. An important part of any NEPA document is analysis of the potential impacts of a project on potentially affected populations. Accordingly, the EIS has analyzed such issues as human health, environmental justice, waste management, air quality, noise, and water quality. Further, NNSA has conducted scoping meetings and public hearings to receive input and comments regarding the proposed TA-18 relocation.

5-8: Native American resources are addressed in the *TA-18 Relocation EIS*. Section 4.5.8.3 addresses the existing environment in relation to Native American resources at ANL-W, while Section 5.5.8.3 discusses impacts to these resources. Although prehistoric Native American resources have been found in the vicinity of ANL-W, due to the developed nature of the site the likelihood of discovering undisturbed material during construction of new facilities would be slight. As stated in Section 5.5.8.3, preconstruction cultural resource surveys would be conducted. Further, if any Native American resources were located during construction, work would stop while appropriate action was taken, including notification of appropriate agencies and tribal representatives.

Commentor No. 6: State of New Mexico Environment Department, Peter Maggiore

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-2855
Fax (505) 827-2836

GARY E. JOHNSON
GOVERNOR

PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

September 17, 2001

James J. Rose
Defense Programs (DP-42)
National Nuclear Security Administration
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

Dear Mr. Rose:

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED RELOCATION OF TECHNICAL AREA 18 CAPABILITIES AND MATERIALS AT THE LOS ALAMOS NATIONAL LABORATORY (TA-18EIS) [DOE/EIS-0319D]; AUGUST 2001

This transmits New Mexico Environment Department (NMED) comments concerning the above-referenced Draft Environmental Impact Statement (DEIS).

HAZARDOUS WASTE

Background:

The U.S. Department of Energy (DOE) proposes to relocate the TA-18 mission operational capabilities and materials to a new location and continue to perform operations at the new location. The primary operation at TA-18 is the performance of criticality experiments. Criticality experiments involve systems of fissile material(s), called critical assemblies, which are designed to reach a condition of nuclear criticality. Fissile material that can be used in a critical assembly is typically one of the following five main isotopes: uranium-233, uranium-235, neptunium-237, plutonium-239, or plutonium-241. A neutron source may be placed near the assembly to ensure that the fission rate of the critical assembly can be readily observed as it approaches and reaches criticality. Critical assemblies at TA-18 are designed to operate at low-to-average power and temperatures below the fissile material temperature operating limits (which sets them apart from normal reactors), with low fission-product production and minimal fission-product inventory.

Special nuclear materials (SNM) are defined in the Atomic Energy Act as (1) plutonium, uranium enriched in the isotope 233 or 235, or any other material designated as SNM; or (2) any material artificially enriched by any of the above. Quantities of SNM are categorized into security

Response to Commentor No. 6

Commentor No. 6: State of New Mexico Environment Department, Peter Maggiore (Cont'd)

James J. Rose
September 17, 2001
Page 2

Categories I, II, III, and IV, with the greatest quantities included under security Category I and lesser quantities included in descending order under security Categories II through IV. At TA-18, SNM is stored in either Critical Assembly Storage Areas (CASAs) or in the Hillside vault. The onsite TA-18 nuclear material inventory is relatively stable and consists primarily of isotopes of plutonium and uranium. The bulk of the plutonium is metal and is either clad or encapsulated. The use of toxic and hazardous materials at TA-18 is limited.

This DEIS evaluates four alternatives for the proposed action, as well as the TA -18 Upgrade Alternative and the No Action Alternative. The proposed action includes: transport of critical assembly machines and support equipment to a new location; modification of existing facilities to support the TA -18 missions; or construction and operation of new facilities to support the TA -18 missions. Relocation of TA -18 mission operations would also include transport of approximately 2.4 metric tons of SNM associated with the TA-18 missions and a range of disposition options associated with the existing TA-18 facilities that would be vacated if the mission operations are relocated. The analysis assumes that construction would start in 2004 to 2005 and be completed sometime in 2007 to 2008.

The preferred alternative is the relocation of TA -18 operations to a different site at Los Alamos. This alternative involves the relocation of TA-18 operational capabilities and materials associated with security Category I/II activities to new buildings northwest of the existing Plutonium Facility in LANL's TA -55 and extension of the existing TA -55 Perimeter Intrusion Detection and Assessment System. Under this alternative, a portion of the security Category III/IV activities (the Solution High-Energy Burst Assembly - SHEBA) would either be relocated to a new structure at TA-39 or remain at TA-18. The rest of the security Category III/IV activities would either be relocated to a new structure at TA -55 or remain at TA -18.

Comments:

The NMED supports the relocation of TA -18 operations because all alternatives would reduce potential radiological impacts to the public compared to existing operations at TA -18. It is not clear from the DEIS what level of NEPA review will be conducted as decisions are contemplated regarding the relocation of the security Category III/IV activities. We also expect that alternatives considered in the decontamination and decommissioning of TA-18 would be subject to NEPA analysis. 6-1

Apparently, the analysis of radiological impacts is based only on estimated exposure to airborne activation products, specifically argon-41. The analysis should include possible exposure by the public (for example, persons living in Royal Crest Trailer Park, approximately one-half mile north of the planned new facility) and workers to direct penetrating radiation and neutrons generated by operations. 6-2

AIR QUALITY

The facility and surrounding area are currently considered to be in attainment with all state and federal national ambient air quality standards. The proposed construction of new Category I/II operations buildings and relocation of TA –18 operational capabilities and materials toe the new location does not conflict with New Mexico's air quality laws and regulations.

The DEIS addresses short-term high concentrations of total suspended solids during construction but does not mention fugitive dust control measures for the soil excavated during 6-3

Response to Commentor No. 6

6-1: NNSA believes that the *TA-18 Relocation EIS* provides sufficient coverage for the relocation of Category III/IV activities. Section 1.2, which describes the proposed action, EIS scope, and alternatives, states that the EIS covers both Category I/II and Category III/IV activities. Issues related to decontamination and decommissioning of TA-18 activities are presented in Section 5.7. Since the ultimate disposition of TA-18 has not been determined, DOE plans to analyze the impacts of the eventual decontamination and decommissioning of TA-18 as part of a separate NEPA action.

6-2: Public and worker exposure to direct penetrating radiation and neutrons generated by TA-18 activities at LANL or alternative sites is considered and addressed in the Final EIS. As explained in Section 5.2.10.1 of the Final EIS, no member of the public would be exposed to a direct dose (i.e., neutrons or gamma radiation) from TA-18 operations at the proposed new underground facility at TA-55. This is because the facility would be designed to minimize the potential dose to workers outside the experimental bay area when critical experiments are being performed. The nearest member of the public would receive essentially zero direct dose. In addition, residents of Royal Crest Trailer Park, located more than 900 meters (2,950 feet) north of the proposed new facility, also would not receive any direct dose.

6-3: Section 5.9 has been revised to describe specific examples of fugitive dust control and reclamation measures that would be implemented during construction. Asphalt contractors would be required to have current air quality permits prior to working at any DOE or NNSA site.

Commentor No. 6: State of New Mexico Environment Department, Peter Maggiore (Cont'd)

James J. Rose
September 17, 2001
Page 3

construction. Reclamation measures should be taken after completion of the project to stabilize the soil disturbed by the contractor yard, laydown area and the building site to minimize long-term dust impacts. You may contact Mr. Steve Dubyk at (505) 955-8025 for information about the best available control technology (BACT) for fugitive dust. In addition, contractors supplying asphalt for the project must have current air quality permits.

6-3 (Cont'd)

We appreciate the opportunity to comment on this document. Please let us know if you have any questions on the above.

Sincerely,

Peter Maggiore

Peter Maggiore
Secretary

NMED File No. 1494ER

Response to Commentor No. 6

Commentor No. 7: Anonymous

environmental impact statement
NNSA
relocation

DRAFT EIS MEETING
COMMENT FORM

1. Are there issues that need to be addressed in the TA-18 Relocation EIS that are not included in the Draft?
No

2. Besides the alternatives discussed in the Draft, are there other alternatives you feel the Department of Energy should consider?
No

3. What other comments do you have on the Draft TA-18 Relocation EIS?
In the interest of safety and economics, I prefer the construction of a new facility at Los Alamos. 7-1

(Please continue on the other side if additional space is needed.)

There are several ways to provide comments on the Draft TA-18 Relocation EIS. These include:

- attending public meetings and giving your comments directly to DOE/NNSA officials
- returning this comment form to the registration desk at the meeting or to the address below
- faxing your comments to: (202) 586-0467
- commenting via e-mail: james.rose@ns.doe.gov

Name (optional): _____

Organization: _____

Home/Organization Address (circle one): _____

City: _____ State: _____ Zip Code: _____

Telephone (optional): _____

COMMENTS MUST BE POSTMARKED BY OCTOBER 26, 2001

For more information contact: Jay Rose, DP-42 National Nuclear Security Administration U.S. Department of Energy 1000 Independence Avenue, S.W. Washington, DC 20585
Toll-free Telephone: 1-866-357-4345 Fax: (202) 586-0467 Email: James.Rose@ns.doe.gov

10/01

DEPARTMENT OF ENERGY

Response to Commentor No. 7

7-1: The commentor's support for the LANL New Facility Alternative is noted.

Commentor No. 8: William L. Partain

environmental impact statement
NNSA
relocation

DRAFT EIS MEETING
COMMENT FORM

1. Are there issues that need to be addressed in the TA-18 Relocation EIS that are not included in the Draft?

2. Besides the alternatives discussed in the Draft, are there other alternatives you feel the Department of Energy should consider?

3. What other comments do you have on the Draft TA-18 Relocation EIS?
I strongly support the preferred alternative. Second preference is to perform the upgrades at the present TA-18 site

8-1

(Please continue on the other side if additional space is needed.)

There are several ways to provide comments on the Draft TA-18 Relocation EIS. These include:

- attending public meetings and giving your comments directly to DOE/NNSA officials
- returning this comment form to the registration desk at the meeting or to the address below
- faxing your comments to: (202) 586-0467
- commenting via e-mail: james.rose@ns.doe.gov

Name (optional): William L. Partain

Organization:

(Home) Organization Address (circle one):
83 Barcelona Ave

City: Los Alamos State: NM Zip Code: 87544

Telephone (optional): 505-672-1672

COMMENTS MUST BE POSTMARKED BY OCTOBER 26, 2001

For more information contact: Jay Rose, DP-42 National Nuclear Security Administration U.S. Department of Energy 1000 Independence Avenue, S.W. Washington, DC 20585
Toll-free Telephone: 1-866-357-4345 Fax: (202) 586-0467 Email: James.Rose@ns.doe.gov

10/01

DEPARTMENT OF ENERGY

Response to Commentor No. 8

8-1: The commentor's preference for the LANL New Facility Alternative is noted, as well as his second preference for the TA-18 Upgrade Alternative.

Commentor No. 9: Thomas F. Stratton

Mr. Roger L. Dintaman
Office of Facilities Management - DP17
U.S. Department of Energy

Dear Mr. Dintaman:

Several people have commented to me about proposals to move the critical assembly facilities at Los Alamos National Laboratory to a different laboratory, or to a different site within LANL. The reasons given for the proposed move seem to be financial, related to the cost of safeguarding SNM at LANL TA-18.

The proposal which concerns me most, and which seems to have the most support, is to move the TA-18 critical assembly facility to TA-55, the plutonium fabrication facility on Pajarito Road. That seems to me to a very bad choice, and potentially would reduce the security of the U.S., insofar as we depend on a reliable nuclear weapons stockpile. My reasons for arriving at this conclusion are:

Reduced Safety: The founders of Los Alamos located the LASL critical assembly facility in Pajarito Canyon for a good reason - enhanced safety to non-operational laboratory personnel, and reduced hazard to other essential facilities, both achieved in a remote, protected, location. TA-18 is designed to allow critical assemblies of fissionable materials in various mechanical, geometrical and chemical formulations. The purpose of an experiment is to study new concepts, or modifications to existing designs, which necessarily entail the possibility that unpleasant things may happen when the experiment is outside experience. Unpleasant things in the case of nuclear criticality range from minor contamination to severe radiation exposure. A remote location, but still within the control and confines of an accredited nuclear design facility, is the most simple embodiment of safety. A move to TA-55 brings the critical assembly laboratory closer to the center of gravity of the LANL population, and most importantly, adjacent to the essential facility of the entire DOE nuclear weapons production and maintenance complex - the TA-55 pit rebuild and fabrication facility, which, after the standdown of Rocky Flats, is unique in the entire U.S. The chance of a criticality accident near the plutonium production facility cannot be allowed if the U.S. intends to rely on nuclear weapons as part of its defense posture.

9-1

Reduced Operational Flexibility: The two safety arguments advanced in the earlier paragraph - safety to personnel and safety to production facilities - dictate that a critical assembly facility at TA-55 will operate under reduced operational flexibility because of the greater risk from the very experiments that justify the facility. Computer experiments are safe, in the sense that they do not endanger persons and facilities. Computer experiments are not safe when they are not tested by experiment but lull the nation into false security. The technical community still debates the level of detail and accuracy with which modern computers predict the performance of the first atom bombs. If the capabilities of TA-18 when moved to TA-55 are reduced and restricted because of reduced safety and increased limitations on dose to non-operational workers at TA-55, TA-50, TA-48 and other nearby technical areas, then the need for an experimental critical facility within DOE should be examined anew. At the very least, the DOE should reassess its options for retaining the facility at its present location, or moving the capability to another laboratory which offers safety and

9-2

2

Response to Commentor No. 9

9-1: NNSA agrees with the commentor that the TA-18 location was selected for criticality experiments in 1947 because of its remoteness and the laboratory protection provided by the Pajarito Canyon walls. However, through the years the experiments evolved larger potential impacts that needed additional protective actions and restrictions (i.e., road closure, evacuation of personnel, security, etc.) before those experiments could be performed. The proposed relocation of critical assembly machines to an underground facility at TA-55 would allow criticality experiments to be performed with enhanced public and operational safety, and security. As explained in Section 5.2.10.2 of the EIS, impacts to the public and workers (including collocated workers) from critical assembly operational accidents at TA-55 would be extremely small. Therefore, relocation and operation of critical assembly machines at TA-55 would result in improved, rather than reduced, safety. In the event of a serious accident involving relocated TA-18 activities at TA-55, there could be a temporary disruption of the normal operations of neighboring facilities at TA-55.

9-2: The proposed underground facility at TA-55, along with its specific facility design, would be fully capable of meeting mission requirements as explained in Section 3.1.2 of the *TA-18 Relocation EIS*. Relocation of critical assembly machines to TA-55 would not reduce current TA-18 capabilities. In fact, the facility design would provide additional flexibility to the operation. As explained in Section 5.2.10.2 of the EIS, impacts to the public and workers (including collocated workers) from critical assembly operational accidents at TA-55 would be extremely small.

Commentor No. 9: Thomas F. Stratton (Cont'd)

operational characteristics similar to those that led to the selection of the site at TA-18 in the war years.

Cost of Security, Operations, and Move: The reason for moving TA-18 was explained to me as cost of security - $12M per year. I do not find the cost argument persuasive. For starters, the cost of security at TA-18 is known. Every other cost associated with relocation - lost and reduced capabilities, new construction, security costs added to existing costs at TA-55, environmental reclamation of TA-18, redesign and fabrication of experiments and related control and data acquisition, are projections that should be considered as uncertain within a factor of three - not counting lost time. Twenty years of security at $240M in today's dollars is more certain, and certainly a fraction of the total direct cost of relocation.

These, then, are the reasons I feel that moving the facilities at TA-18 to TA-55 is a bad idea. Defense Programs of DOE needs a critical assembly facility for use by its nuclear designers, its counter-proliferation scientists, and its nuclear environmentalists. Cost is an issue, yes, but if the cost of moving is a capability reduced to non-relevance to these constituents, then the loss to national security is not compensated by reduced costs directly attributable to operational security.

Sincerely yours,

Thomas F. Stratton
Fellow, Emeritus
Los Alamos National Laboratory

My credentials include a Ph.D. in experimental nuclear physics. I worked at Los Alamos from 1954 to 1993 in plasma physics, laser physics and weapons science. Major responsibilities included group leader for large CO2 lasers, project manager for a nuclear SDI concept, and chief scientist for the NPB program at LANL. In 1984-85 I was LANL liaison to ATSDAE, responsible for prompt, urgent communication under nuclear attack. I am now Vice-President and Director of La Mancha Company, a small business in Santa Fe, NM.

E-Mailed to Dintaman with cc to Malenfant on June 11, 2000.

3

9-2 (Cont'd)

9-3

Response to Commentor No. 9

9-3: While cost is one of the factors to be considered by the decision makers in the Record of Decision, it is beyond the scope of the *TA-18 Relocation EIS*, which focuses on assessing the potential environmental impacts of the proposed action and reasonable the alternatives.

Commentor No. 10: Donivan Porterfield

Mr. Donivan Porterfield
PO Box 1417
Los Alamos, NM 87544

October 26, 2001

Mr. Jay Rose
DP-42
National Nuclear Security Administration
U.S. Department of Energy
100 Independence Avenue, S.W.
Washington, DC 20585
Fax 202-586-0467

Dear Mr. Rose:

The comments below are on the draft Environmental Impact Statement for the proposed relocation of the TA-18 capabilities and materials.

Comment 1
Footnote d of Table 5-9 does not make it clear whether the number of workers is higher for the "new facility" alternative given the proximity to TA-48 and TA-55 and their respective workforce. In other words can the dose impact of the argon-41 be viewed as not contributing dose to workers at the proximate technical areas? **10-1**

Comment 2
Has the potential impact of the released argon-41 being drawn into TA-48 and/or TA-55 ventilation systems and impacting facility radiation systems been examined and eliminated as an operational impact? **10-2**

Comment 3
I'm disappointed that recommendations are not being made in this EIS as to the radiological monitoring that should be instituted to assure the pubic that radiological releases are within the quantities projected. **10-3**

Comment 4
I would appreciate receiving a paper copy of the final EIS. In part this reflects my inability to access some portions of the draft EIS on the internet. The "VolumeOne1.pdf" link ends at page 1-17 and the link "VolumeOne2a.pdf" starts at page 3-20. **10-4**

Sincerely yours,

Mr. Donivan Porterfield

Response to Commentor No. 10

10-1: The number of workers currently supporting TA-18 activities is 210. The workforce supporting security Category I/II activities are projected to be about 100 persons. The remaining workforce supports security category III/IV and SHEBA activities. The workforce dose of 21 person-rem per year provided in Table 5-9 is the collective dose to all personnel at TA-18. For the purposes of analysis (see Section 3.2.1), it was assumed that this dose is independent of the location where the support activities would be performed. The dose is conservative because operations would be performed in radiologically confined and secured buildings, leading to lower average doses. The collective dose of 21-person-rem per year is an actual recorded dose to all personnel at TA-18, leading to an average dose of 100 millirems to an individual worker, as indicated in the *Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory*. This dose includes all sources of external and direct radiation, including the worker's exposure to any argon-41 in the air. The argon-41 dose is a very small fraction of the total dose received. This dose is not a contributing factor to worker doses at nearby technical areas.

10-2: Argon-41 production at TA-55 from criticality experiments at a new facility would be orders of magnitude smaller than the amount produced at the existing TA-18 facilities. This is because the experiments would be performed within a confined facility with limited air volume – a source of argon activation – compared to that used for evaluation purposes (120-meter hemisphere air volume), as explained in Section 3.2.1. In addition, any argon-41 produced in the new facility would be mixed with the facility air exhaust system and released to the environment, leading to a smaller argon-41 concentration in the air. Further, since argon-41 decays rapidly (less than 2 hours of half-life) and neighboring facility air intake systems are located at some distance and at a lower elevation than the exhaust system of the proposed new LANL facility, the potential for worker exposure from argon-41 is minimal. In fact it would be orders of magnitude less than the worker exposure at TA-55 or TA-48 from other sources.

10-3: As discussed in Sections 5.2.10.1, 5.3.10.1, 5.4.10.1, 5.5.10.1, and 5.6.3.10, radiological impacts from operations at TA-18 or other alternative sites would be small. All sites currently implement environmental monitoring programs, including radiological, the results of which are published in annual environmental effluent reports. TA-18 operations will be included in any site-wide program.

10-4: A copy of the *TA-18 Relocation Final EIS* is being mailed to the commentor.

Commentor No. 11: Vernon J. Brechin

From: Vernon Brechin [vbrechin@igc.org]
Sent: Friday, October 05, 2001 10:03 AM
To: james.rose@ns.doe.gov
Cc: info@lasg.org
Subject: LA TA-18 DEIS Comments

Friday, October 5, 2001

Vernon J. Brechin
255 S. Rengstorff Ave. #49
Mountain View, CA 94040-1734
650/961-5123

Attn: Mr. Jay Rose
DP-42
Independence Avenue, SW
Washington, DC 20585
866/357-4345

RE: TA-18 Relocation Draft EIS Comments

Dear Mr. Rose:

Thank you for the opportunity of commenting on the proposed relocation of the Los Alamos National Laboratory Technical Area 18 facilities. I hope you will use my comments in the formulation of the Final EIS. I also hope you will display all received comments, verbatim, in numerous public places, as well as in the F-EIS. I urge you to select the "No Action Alternative." The "NTS Alternative" should be removed from your consideration. **11-1**

My comments refer to the D-EIS Summary (DOE/EIS-319D August) report and should be extended to the full EIS where applicable. **11-2**

The map figure, shown in Figure S-23 Location of NTS (page S-44), contains boundary and location errors. The boundary of the Pahute Mesa portion of the NTS was revised, by Congress, over two years ago. Area 13 is not located accurately and it is shown to be much larger than it actually is. The practice of the NNSA's Nevada Operations Office failing to supply current and accurate maps of the NTS has been common. **11-3**

Any portion of the full report that covers the cumulative environmental impacts of the proposed plan, to relocate to the DAF facility at the NTS, should mention the NTS report which estimated that a partial clean-up of the NTS could cost up to $7.3 trillion. **11-4**

Please refer to, and cite, Pub.L. 106-65, Div. B, Title XXX, Subtitle A, § 3011(b), Oct. 5, 1999, The Military Land Withdrawal Act of 1999. **11-5**

Also cite the DOE report "Focused Evaluation of Selected Remedial Alternatives for the Underground Test Area (DOE/NV--465), April 1997. The $7.3 trillion figure appears in a summary table on page 8-3. **11-4**

Thank you for considering these comments. **11-5**

Sincerely,

Vernon Brechin

Response to Commentor No. 11

11-1: All comments received on the *TA-18 Relocation Draft EIS* are given full and equal consideration. Comments received during the comment period, which began on August 17, 2001, and ended on October 26, 2001, are reproduced in their entirety in this appendix. It should be noted that copies of the Final EIS, including scanned images of each comment document received during the public comment period and respective responses from NNSA, are placed in public reading rooms and are sent to anyone requesting a copy. Thus, the public's comments and NNSA's responses are readily available to the public.

11-2: The commentor's support for the No Action Alternative is noted. While NNSA also notes the commentor's opposition to the NTS Alternative, this alternative was determined to be reasonable under NEPA guidelines and therefore was fully evaluated in the EIS.

11-3: Each of the commentor's comments was applied to the entire *TA-18 Relocation EIS* where applicable.

11-4: The NTS boundary shown in Figure S-23 was corrected along with the location and size of Area 13. Appropriate changes were also made to Figures 4-22 and 4-30. It should be noted that Area 13 officially is known as Nellis Air Force Range Complex Area 13. This area was the location for a plutonium-dispersal safety experiment conducted in 1957. The only future DOE activities that would occur in this area would involve environmental restoration.

11-5: While cost is one of the factors considered by the decision makers in the Record of Decision, it is beyond the scope of the *TA-18 Relocation EIS*, which focuses on assessing the potential environmental impacts of the proposed action and reasonable alternatives.

Commentor No. 12: U. S. Environmental Protection Agency, Robert D. Lawrence

11/08/2001 04:39 FAX 2022876494 NCI D 002
NOV-28-2001 14:39 P.02/04

October 26, 2001

Mr. James J. Rose
Document Manager
Office of Environmental Support (DP-42)
Defense Programs
National Nuclear Security Administration
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Rose:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the Region 6 Office of the U.S. Environmental Protection Agency (EPA) has completed the review of the Draft Environmental Impact Statement (DEIS) for the Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory, Los Alamos, New Mexico.

The following comments are now offered for your consideration in the development of the Final EIS (FEIS).

1. Comments received during the scoping process indicated that the public wanted more information regarding accident histories. The "Accident History" sections provided for the sites in question should provide sufficient information to address this concern. Any critical accidents should be well documented. Please address this concern in the FEIS. **12-1**

2. The DEIS needs to address the weapons related nature of the operations and how that nature relates to current operations at the sites under consideration. Many DOE sites are in the process of redefining their character and role for the future and the local and state communities have a stake in those discussion. The weapons-directed nature of the work should be considered and discussed in the FEIS. **12-2**

EPA classifies your DEIS and proposed action as "EC-2," i.e., EPA has "Environmental Concerns and Requests Additional Information". This information will strengthen the FEIS. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

10/31/01

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Response to Commentor No. 12

12-1: The discussion of accident histories for each DOE site (Sections 4.2.11.4, 4.3.11.4, 4.4.11.4, and 4.5.11.4) was revised to include a summary of criticality accidents pertaining to the activities of TA-18. As noted in *A Review of Criticality Accidents, 2000 Revision*, LA-13638, by the Los Alamos National Laboratory, criticality accidents have occurred at LANL and INEEL; however, they have not been recorded for SNL/NM or NTS.

12-2: Section 3.1.1 describes the operational capabilities of LANL's TA-18 facilities, including its potential role in support of stockpile stewardship. Stockpile stewardship, a principal mission responsibility of NNSA, involves the development and application of scientific and technical capabilities to assure the continued safety and reliability of U.S. nuclear weapons in the absence of underground testing. As explained in Section 3.1.1, TA-18 facilities do not currently support the nuclear weapons program, but have the capability to eventually provide data specifically for stockpile stewardship. With respect to the sites, LANL, SNL/NM, and NTS directly support stockpile stewardship and the nuclear weapons program. While not an NNSA site, ANL-W provides research and development support to NNSA's tritium program.

Commentor No. 12: U.S. Environmental Protection Agency, Robert D. Lawrence (Cont'd)

We appreciate the opportunity to review the DEIS. We request that you send our office five (5) copies of the FEIS at the same time that it is sent to the Office of Federal Activities (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

Robert D. Lawrence, Chief
Office of Planning and Coordination

Response to Commentor No. 12

Commentor No. 12: U.S. Environmental Protection Agency, Robert D. Lawrence (Cont'd)

11/08/2001 04:40 FAX 2022876494 NC1 D 004
NOV-08-2001 14:40 P.04/04

SUMMARY PARAGRAPH FORM

ERP NUMBER D-DOE-G06012-00

TITLE: TECHNICAL AREA 18 RELOCATION LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO

RATING ASSIGNED TO PROJECT EC-2

NAME OF EPA OFFICIAL RESPONSIBLE MIKE JANSKY
309 COORDINATOR

SUMMARY OF COMMENT LETTER

EPA has expressed environmental concerns and has requested additional information in the areas of accident history and weapons operations to strengthen the FEIS..

PARAGRAPH APPROVED FOR PUBLICATION

(Initials of
Approving Official)

TOTAL P.04

4

Response to Commentor No. 12

Commentor No. 13: Nuclear Watch of New Mexico, Colin King

nuclear watch new mexico

October 18, 2001

Mr. James Rose
Defense Programs (DP-42)
National Nuclear Security Administration
U.S. Department of Energy
1000 Independence Ave, S.W.
Washington, DC 20585

Dear Mr. Rose,

Nuclear Watch of New Mexico submits the following comments on the Draft Environmental Impact Statement (DEIS) for the **Proposed Relocation of Technical Area 18** (TA-18) **Capabilities and Materials at the Los Alamos National Laboratory** (LANL) [NNSA/EIS-0319D]. Our apologies for the delayed submission of these comments. Like many public and private businesses after September 11, 2001, the programmatic work of Nuclear Watch of New Mexico had to be carefully recalibrated, causing delays to our near-term goals.

Lack of stated mission for TA-18 relocation activities

The Draft Environmental Impact Statement for the **Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory**, (hereinafter the DEIS) fails to outline the proposed mission of relocated TA-18 facilities. The DEIS must clearly disclose what the future mission of relocated TA-18 activities are in a manner that is more indepth than is currently provided. The current statement of Purpose and Need for Action [1] is inadequate and NNSA does not define a true purpose and need for the relocation of TA-18 activities. According to the Council on Environmental Quality (CEQ), the statement of purpose and need shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action. (CEQ Regulations for Implementing National Environmental Policy Act (NEPA) 40 CFR 1502.13) For example, NNSA provides no description of TA-18 s support of plutonium pit production and certification (including hydrotesting), a distinct possibility given the preferred TA-55 location. Also, because NNSA provides its preferred alternative at TA-55 without a concrete discussion of why TA-55 is preferred makes it appear that NNSA has pre-determined its decision without appropriate participatory decision making among government agencies and the public as is required by NEPA. DOE NEPA Implementing Regulations also state that DOE shall complete its NEPA review for each DOE proposal before making a decision on the proposal (10 CFR 1021.210) 13-1 13-2 13-3

Furthermore, how will the mission of TA-18 operations, current and near-future, be impacted and or modified by relocation to another site. Appendix A of the DEIS provides descriptions of the critical assemblies, however, those descriptions fail to provide validity to the NNSA s claim of the importance of maintaining those individual critical assemblies. Additionally, the National Nuclear Security Administration (NNSA) fails to outline why those critical assemblies are relevant to NNSA operations. Appendix A also fails to provide an analytical overview of critical assembly operations and the purpose for those operations. The CEQ stated that Environmental impact statements shall be analytical rather 13-4 13-5

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Response to Commentor No. 13

13-1: Current TA-18 mission operations and the facilities, personnel, and materials required to support them are described in detail in Section 3.1 of the *TA-18 Relocation EIS*. The EIS also outlines each ongoing TA-18 mission operation, including Nuclear Materials Management and Criticality Safety, Emergency Response, Nonproliferation and Safeguards and Arms Control, and Stewardship Science. As stated in Section 3.1, NNSA would continue to perform these current TA-18 mission operations at a new location. DOE is not proposing any new missions for TA-18 facilities.

13-2: Chapter 2 of the *TA-18 Relocation EIS* discusses the reasons NNSA is proposing to relocate TA-18 capabilities and materials and the proposed objectives of this action. As stated in Chapter 2, DOE needs to maintain the capability to conduct criticality experiments. Currently, this activity is housed in facilities at LANL's TA-18 that are near the end of their useful life. As a result of this situation, NNSA needs to assess alternatives for continuing criticality experiment activities for the next 25 years at a new location. TA-18 mission operations do not directly support plutonium pit production and certification. TA-55 was chosen to collocate TA-18 security Category I/II activities to reduce security costs.

13-3: In accordance with Council on Environmental Quality regulations, an agency's preferred alternative, if one exists, must be presented in the draft EIS (40 CFR 1502.14(e)). Accordingly, Section 3.6 identifies the preferred alternative. Since publication of the TA-18 Relocation Draft EIS, NNSA has conducted additional analyses and has concluded that relocating the security Category I/II activities to the Nevada Test Site is the preferred alternative. It should be noted that the preferred alternative does not constitute a decision. NNSA will use the analyses presented in the final EIS as well as other information when making its decision with respect to relocation of TA-18 capabilities and materials. This decision will be presented in a Record of Decision, which will be published in the *Federal Register* no earlier than 30 days following publication of a Notice of Availability of the final EIS in the *Federal Register* by the U.S. Environmental Protection Agency.

13-4: As discussed in Section 3.1 of the *TA-18 Relocation EIS*, neither current nor near-term TA-18 mission operations would be impacted or modified by relocation to another site.

Commentor No. 13: Nuclear Watch of New Mexico, Colin King (Cont'd)

than encyclopedic. (CEQ Regulations 40 CFR 1502.2) Appendix A fails to meet the guidelines set forth by the CEQ because it is merely an explanation of terms relevant to critical assemblies but NNSA does not demonstrate what the role of a critical assembly is within the mission of TA-18. Hence, NNSA does little in fulfilling the its NEPA responsibilities in the DEIS.

13-5 (Cont'd)

The NNSA s argument for proposed relocation of critical assemblies, excluding the SHEBA assembly, is inherently flawed because again it lacks concrete facts for its justification. Relocation of the critical assemblies and Category I capabilities of TA-18 lays at the heart of the NNSA s argument. The NNSA declares in its DEIS that While proposals regarding TA-18 activities may fall within the scope of [a long-term strategy for conducting security Category I nuclear operations at LANL] along with other activities such as analytical chemistry, security, and pit manufacturing, DOE has determined that the TA-18 Relocation proposal must move forward independent of this broader planning effort

13-6

[2] The NNSA cannot justify relocation of its Category I operations, including the critical assemblies housed at the TA-18 facilities, without analyzing the impacts on human health and environment that current and near-future Category I missions will have. The NNSA must also clearly state in the DEIS what materials and equipment belong to each Category. Currently, it is unclear whether the critical assemblies and associated materials belong to Category I or II. This lack of clarity is also true for materials within Category III and IV. If NNSA is to meet its NEPA obligations, NNSA must be clear on what devices and materials belong to what category and where that inventory is destined, if a valid assessment of risk to human health and the environment is to be made. Before the NNSA can continue, the planning effort that focuses on the long-term strategy for conducting security Category I nuclear operations at LANL must be completed and fully disclosed as part of this EIS process.[3] Additionally, has NNSA fully analyzed the security risks of relocating SNM at a site such as the preferred alternative at TA-55? A clear discussion of potential security risks, such as terrorism, are not given by the NNSA in its DEIS. This must be remedied, particularly in light of the September 11 terrorist attacks.

13-7

13-8

Cleanup and Risk Assessment

Lack of Concrete Decontamination and Decommissioning Plans

The DEIS contains only a very limited discussion of decontamination and decommissioning (D&D) and environmental restoration process of the TA-18 site should the current operations be relocated to another site. The NNSA states that At the present time, the ultimate disposition of existing TA-18 facilities is not known Prior to the initiation of decommissioning activities, the facility operator would have to prepare a detailed decommissioning plan Specific alternatives to be considered in the decontamination and decommissioning process would likely follow the [Resource Conservation and Recovery Act] framework and would be subject to project-specific [National Environmental Policy Act] analysis. [4] Facilities within TA-18 that were built in the flood plain of Pajarito and Three Mile Canyons require near-term D&D and environmental restoration because those structures pose immediate risks to the public health and environment in the event these canyon systems flood. According to the National Environmental Policy Act (NEPA), [I]t is the continuing responsibility of the Federal Government to use all practicable means [to] attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. (NEPA/ 101 (b)(3)) The Draft EIS must identify facilities of concern within the Canyon flood plain and contain a preliminary plan for carrying out D&D and environmental restoration on them immediately after relocation of those facilities has been completed if the NNSA is to abide by its

13-9

Response to Commentor No. 13

13-5: The importance of maintaining critical assembly operations is discussed in Chapter 2 of the *TA-18 Relocation EIS*. Section 3.1.2 describes the functions and characteristics and identifies the critical assembly machines required to support ongoing TA-18 operational capability requirements. Appendix A describes the critical assembly machines that currently fulfill these operational requirements at TA-18. The operational characteristics of the critical assembly machines that could result in potential environmental impacts are assumed to be the same whether existing, refurbished, or new machines are used.

13-6: Chapter 2 of the *TA-18 Relocation EIS* describes the purpose and need for the proposed relocation of TA-18 capabilities and materials. NNSA considers the proposed action to be reasonable and appropriate. A decision on TA-18 relocation would not prejudice any future decisions with respect to other activities such as analytical chemistry, security, and pit manufacturing. The impacts that continuing TA-18 operations could have on human health and the environment at the current or alternate sites are discussed in Chapter 5 of the EIS.

13-7: The distinctions between security Categories I, II, III, and IV materials and associated activities are provided in Section 1.1.2 of the *TA-18 Relocation EIS*. As stated in that section, the classification is based on quantities and attractiveness (i.e., the relative ease of the processing and handling activities required to convert such materials into a nuclear explosive device) of the special nuclear material in question. Security Category I and II materials and associated activities have more stringent security requirements than security Category III and IV materials and associated activities. However, from an environmental impact point of view, the handling, storing, and transporting of these materials are not directly related to their security classifications. The EIS (see Section 1.3) considers and analyzes security Category I/II materials and associated activities separately from security Category III/IV materials and associated activities because their proposed relocation destinations are different. In general, materials and activities associated with the Planet, Comet, and Godiva critical assembly machines are considered security Category I/II, and material and activities associated with SHEBA are considered security Category III/IV. The amount of security Category I/II material proposed for relocation is 2.4 metric tons, as discussed in Sections 3.1.2 and Appendix D, Section D.7. Although the specific isotopic composition of this inventory is classified and is not provided in the EIS, it has been

obligations under NEPA/101. DOE and LANL have continually avoided taking responsibility for site-wide mapping out of cleanup priorities. This occurred most notably in the 1999 Site-Wide EIS. NWNM s concern is amplified by proposed budget cuts to cleanup programs at LANL. DOE and LANL need to address their NEPA responsibilities in a manner that is systematic and that leads to substantive cleanup.

13-9 (Cont'd)

In a recent letter from the New Mexico Attorney General s Office to the New Mexico Environment Department, the Assistant Attorney General stated that there are unresolved questions of ground water contamination [at TA-18]. [5] NNSA must address the issue of groundwater contamination at TA-18 in its DEIS and fully indicate how it proposes to take remedial action. The Assistant Attorney General also noted that there is no completed reach report for Pajarito Canyon. This reach report is vital to the cleanup process of TA-18 because it begins to establish inventories of hazardous and radioactive constituents within Pajarito Canyon and will help in determining cleanup priorities.

13-10

Risk Assessments

In light of the terrorist attacks of September 11, 2001, it is no longer appropriate for the NNSA to state that external events such as an aircraft crash that could lead to the release of radioactive material has such an improbable chance of occurring that it was not considered credible and is not evaluated in the EIS. [6] This scenario, along with other possible terrorist attacks upon special nuclear materials (SNM) facilities must be fully considered, regardless of how unorthodox the scenario may be, for the safety and security of the employees at LANL and the public at large. Since the September 11 attacks, the security threshold has been raised substantially. NNSA must provide evidence that it is implementing measures to meet that raised threshold.

13-11

Safety Concerns

NNSA asserts in the DEIS that LANL has experienced a number of criticality accidents in the period of 1945 to the early 1980s and goes on to say that there have been no accidents since that time that have resulted in significant adverse impacts to workers, the public or the environment. [7] Although it may be true that there have been no accidents that have caused adverse impacts to workers, the public, or the environment, LANL has a notorious record on safety procedures and handling of SNM. As recently as October 9, 2001, the DOE s Office of Enforcement and Investigation (OE) wrote that LANL had reported in February 2000 that its Los Alamos Critical Experiments Facility (LACEF) at TA-18 was in noncompliance with quality assurance provisions of NNSA s nuclear safety requirements. [8] This letter goes on to say that commitments to address violations through noncompliance enforcement actions issued by OE to LANL have yet to be met. OE states that On January 30, 2001, LACEF staff failed to comply with a TSR [Technical Safety Requirement] on the Godiva IV Critical Assembly [and] on February 28, 2001, LACEF staff failed to comply with another TSR on the Planet Critical Assembly [and] on July 25, 2001, the LACEF Team Leader determined that a TSR surveillance violation for the COMET Critical Assembly had occurred[9] [and] on August 9, 2001, LANL contacted the OE to notify OE that [a] corrective action had not been completed as reported. These violations at the TA-18 criticality facilities are of great concern, and do have the potential to adversely impact the health of LANL workers, the public, and the environment. The issues of noncompliance must be addressed in the DEIS and it must also commit to resolving these issues before any relocation of TA-18 activities is made. In fact, NNSA s Office of Enforcement and

13-12

converted to appropriate unclassified equivalent units for the environmental impact analysis.

13-8: As stated in Section 5.1 of the *TA-18 Relocation EIS*, issues related to the security of relocated TA-18 capabilities and materials, including sabotage, are covered in a classified appendix.

13-9: As explained in Section 5.7 of the *TA-18 Relocation EIS*, the ultimate disposition of the existing TA-18 facilities is not known at the present time. The facilities at TA-18 could be used for other laboratory projects and services if a decision is made to relocate TA-18 missions. As explained in Sections 4.2.6.1 and 5.2.6.1 of the Final EIS, DOE has taken actions in constructing flood control structures as well as a flood retention structure to protect TA-18 facilities from flooding. This action was taken as a result of changing conditions after the Cerro Grande fire. The combination of the flood control and retention structures would result in an exceedingly small chance that flooding could result in offsite contamination. In addition, Section 4.2.12.1 of the EIS describes LANL's ongoing environmental restoration program activities at TA-18. As noted in this section, potential release sites at TA-18 have been investigated and characterized, and most of these have been recommended for no further action following site characterization. Several potential release sites at TA-18 have already undergone either interim or final remediation to remove contaminants and to decrease the potential for future releases and migration off site.

13-10: The Environmental Restoration Project at LANL has investigated potential release sites, including TA-18. Shallow groundwater monitoring to date at TA-18 has shown that there are no significantly elevated concentrations of contaminants. These potential release sites are scheduled for additional characterization in future years, and alluvial well sampling is ongoing. DOE has not made a decision about the ultimate disposition of the TA-18 facilities if the mission is relocated. Further NEPA analysis would be done to support a decision about disposition and would address cleanup of any existing contamination.

The Reach Reports are interim reports that address the results of sediment investigations, but do not include groundwater or surface water data. Reach Reports were prepared for Los Alamos Canyon and Pueblo Canyon and for one of the land transfer sites; however, there are no plans to prepare such a report for Pajarito Canyon. Instead, the Environmental Restoration Project will prepare a Facility Investigation report for Pajarito

Commentor No. 13: Nuclear Watch of New Mexico, Colin King (Cont'd)

Investigation (OE) felt that Continued violations indicate that the quality controls necessary to ensure compliance are not adequate, and concludes that continued violations that are necessary to ensure safe operations of the Critical Assemblies could, if left uncorrected, lead to a more significant critical event.

We note that the above letter was issued by the DOE Office of Price-Anderson enforcement. Violations at LANL s TA-18 Critical Experiments Facility, coupled with criticality violations in 1997 at the Lawrence Livermore National Laboratory, demonstrate that the University of California should not be exempt from Price-Anderson fines resulting from violations or accidents in the use and handling of nuclear materials.

13-12 (Cont'd)

Over the past 5 years, the Neighborhood Environmental Watch Network (NEWNET) has recorded several very high gamma spikes during criticality experiments conducted at TA-18. NEWNET has been a source of substantial public and tribal interest and concern. The NEWNET air monitoring equipment at TA-18 Kappa site must be relocated to the future site for TA-18 activities.

13-13

Additionally, LANL must continue its cooperation with international agencies such as the International Atomic Energy Agency (IAEA). LANL officials have often made the claim that TA-18 has been used for the training of IAEA inspectors. Because it is not explicitly stated in the DEIS, is it to presumed that relocated TA-18 facilities will only have a weapons mission and will no longer have a peaceful aspect in its mission such as the training of IAEA inspectors? Any effort to discontinue cooperation with the IAEA, despite heightened security concerns after the attacks of September 11, must be avoided. This cooperative mission between LANL and the IAEA must continue as part of the mission of relocated TA-18 operations. The DEIS must explicitly state that cooperation with the IAEA will continue despite increased security controls. Relocated TA-18 facilities must continue training IAEA inspectors in this world ever more threatened by weapons of mass destruction.

13-14

13-15

In summary, NWNM concluded that:
NNSA failed to clearly state a mission for relocated TA-18 activities and failed to clearly indicate why TA-55 at LANL was the preferred alternative over the other proposed sites.
NNSA has not adequately prepared a decontamination and decommissioning (D&D) plan for facilities at TA-18 that are built in the confluence of the Pajarito and Three Mile Canyon flood plains. NNSA must establish an immediate plan for conducting D&D and environmental restoration on these building as they pose obvious risks to human health and the environment.
NNSA has not addressed issues of ground water contamination at TA-18.
NNSA s claim that risk assessments for events such as airline crashes is unnecessary does not have validity in light of the September 11 terrorist attacks. A risk assessment and plan to handle such potential events must be clearly established.
Although there may not have been recent criticality events that caused harm to the LANL workforce, the public, or the environment, NNSA must address the fact that DOE s Office of Enforcement and Investigation has cited LANL for numerous violations of DOE safety procedures at the TA-18 critical experiments facility. NNSA must also commit to developing a plan that will prevent future violations.
The Kappa NEWNET station must be relocated with the TA-18 critical experiments devices.
Relocated TA-18 facilities must continue to help in the training of IAEA weapons inspectors.

If you have furthers questions, feel free to contact me.

Nuclear Watch of New Mexico ● Comments on the TA-18 Relocation DEIS ● 10/18/01 ● Page 4

Response to Commentor No. 13

Canyon that will include sediment and water data. The Environmental Restoration Project consults with the New Mexico Environment Department to set priorities for these investigations.

13-11: Issues related to the security of relocated TA-18 capabilities and materials, including sabotage, are covered in a classified appendix to the EIS, as stated in Section 5.1.

13-12: NNSA acknowledges there have been technical safety requirement violations at TA-18 in the past. As part of NNSA's approach to integrated safety management, LANL has taken corrective actions to resolve these violations by implementing procedures and personnel training. Although not all corrective actions have completely satisfied DOE's Office of Enforcement, LANL continues to improve quality assurance and procedures to eliminate procedural violations. Section 5.2.10.2 of the *TA-18 Relocation EIS* presents the impacts from a spectrum of potential accidents at LANL, including accidents initiated by human error, as described in Appendix C, Section C.3.

13-13: In 1988, Congress exempted from civil penalties seven DOE nonprofit contractors, including the University of California, for activities associated with LANL. This decision reflected the concern that major universities and other nonprofit contractors would be unwilling to put their educational endowments at risk for contract-related expenses such as civil penalties. In addition, if nonprofit contractors were subject to civil penalties, DOE would have to increase the fees it pays its nonprofit contractors to compensate for the additional risk that civil penalties could be assessed. This would potentially divert funds away from research without creating a financial incentive for safety.

DOE believes contractual provisions are a better mechanism than civil penalties for making nonprofit contractors more accountable for safety. Such provisions include fee reduction or elimination, stop work orders, and contract termination. Since enactment of the 1988 exemptions, DOE has moved toward performance-based contracting and integrated safety management for all of its contractors. A major tenet of these reforms is that work must be performed safely and that a contractor will be held accountable if it is not. All DOE contracts now must include provisions on integrated safety management and identify the environmental, health, and safety requirements applicable to activities under the contract.

Sincerely,

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[1] Draft Environmental Impact Statement for the Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory, NNSA/EIS-0319D, August 2001, Summary, p. S-4.
[2] *Ibid.,* p. S-9.
[3] *Ibid.*
[4] *Ibid.,* Volume 1,Chapter 5, pp. 5-109 through 5-111.
[5] Letter to James Bearzi, Hazardous Waste Bureau Chief, New Mexico Environment Department, from Lindsay Lovejoy, Jr. Assistant Attorney General, Attorney General Office of New Mexico, September 27, 2001
[6] *Ibid.,* Appendix C, p. C-6.
[7] Draft Environmental Impact Statement for the Proposed Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory, NNSA/EIS-0319D, August 2001, Volume 1, Chapter 4, p. 4-41.
[8] Letter to John Browne, Director, LANL, from R. Keith Christopher, Director, Office of Price-Anderson Enforcement, October 9, 2001. http://tis.eh.NNSA.gov/enforce/els/ellanl100901.htm
[9] OE states that the TSR for the COMET Critical Assembly had been in place since September 1995 and LANL personnel concluded that the TSR surveillance had not been performed since the effective date in 1995. *Ibid.*

Response to Commentor No. 13

13-14: The proposed new facility at LANL's TA-55 would be located under 20 feet of earth and concrete, so it is unlikely that signals would be detected from criticality experiments. However, the relocated activities would continue to be monitored by properly located NEWNET if the TA-18 mission activities remain at LANL.

13-15: There is virtually no weapons work at TA-18. Much of the TA-18 mission operations work is focused on the safe handling of nuclear materials. This includes training of nuclear facility workers for the NNSA complex, training and technical support for emergency responders, training and technology development for nuclear transparency and dismantlement activities, and training and technology development for the safeguarding of nuclear materials worldwide. NNSA has included a requirement for foreign national access to the proposed new facility specifically to continue training activities in support of the IAEA and Russian Transparency programs.